

EXHIBIT A

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1 COMP

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13 Attorneys for Plaintiff

14 CASE NO: A-20-818775-C

15 Department 32

16 DISTRICT COURT

17 CLARK COUNTY, NEVADA

18 * * *

19 CAROL LAMB, individually; ROBERT LAMB,
20 individually;21 CASE NO.:
DEPT. NO.:

22 Plaintiffs,

23 COMPLAINT

24 vs.

25 FEDEX OFFICE AND PRINT SERVICES,
26 INC., a Delaware foreign corporation, d/b/a
27 FEDEX OFFICE PRINT & SHIP CENTER;
28 MAGGIE BAILEY, individually; DOES I
through XX, inclusive, and ROE BUSINESS
ENTITIES I through XX, inclusive,

17 Defendants.

18 COME NOW Plaintiffs, CAROL LAMB and ROBERT LAMB by and through their attorneys
of record, PAUL R.M. CULLEN, ESQ., and LINDSAY K. CULLEN, ESQ., of the law firm of
BERTOLDO BAKER CARTER & SMITH, and for their claims of relief against the Defendants, and
each of them, alleges and complains as follows:

29 ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

30 1. Plaintiff CAROL LAMB was at all times pertinent hereto, and still is, a resident of
Clark County, State of Nevada.

31 2. Plaintiff ROBERT LAMB was at all times pertinent hereto, and still is, a resident of
Clark County, State of Nevada.

1 3. Defendant FEDEX OFFICE AND PRINT SERVICES, INC. ("FEDEX"), a foreign
2 corporation, was at all times pertinent hereto, and still is, doing business as FEDEX OFFICE
3 PRINT & SHIP CENTER and was, and still is, a foreign corporation duly authorized, qualified and
4 regularly conducting business within the County of Clark, State of Nevada.

5 4. Defendant MAGGIE BAILEY, at all times pertinent hereto, was and still is, a resident
6 of Clark County, State of Nevada.

7 5. Venue is proper here in that the facts and circumstances that give rise to the subject
8 lawsuit occurred in Clark County, Nevada, at FedEx Office Print & Ship Center, located at 6090
9 West Craig Rd., Las Vegas, Nevada 89130, and this Court has subject matter jurisdiction pursuant
10 to NRS 4.370(1), as the matter in controversy exceeds \$15,000.00 exclusive of attorney's fees,
11 interest, and costs.

12 6. The true names and capacities of Defendants designated as DOES I through XX,
13 inclusive, and ROE BUSINESS ENTITIES I through XX, inclusive, are presently unknown to
14 Plaintiff who, therefore, designates said Defendants by said fictitious names. Defendants
15 designated as DOES I through X, inclusive, and/or ROE BUSINESS ENTITIES I through X,
16 inclusive, are owners, operators, lessors, lessees, and/or other individuals and/or agencies within
17 possession and control of the certain premises as alleged herein, specifically the FEDEX OFFICE
18 AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER located at 6090
19 West Craig Rd., Las Vegas, Nevada 89130, are employers, employees, agents, principals, persons
20 hiring, persons supervising, persons retaining, and/or persons otherwise controlling Defendant
21 FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER
22 as alleged herein, and/or are individuals and/or agencies otherwise responsible for the care,
23 cleaning, maintenance, and/or inspection of the flooring and walkways, and/or placing objects,
24 equipment or other items out of the walkway, pathway or other area of the store for patrons,
25 including Plaintiffs, and/or keeping the flooring, walkways, pathways and counter areas free and
26 clear of debris, carts, objects and other items that cause obstruction. Defendants designated as
27 DOES XI through XX, inclusive, and/or ROE BUSINESS ENTITIES XI through XX, inclusive,
28 are employers, supervisors, principals, contractors, third-party providers, directors, and/or entities

1 otherwise in ownership, supervision, training, retention and control of Defendant FEDEX OFFICE
 2 AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER as alleged herein,
 3 and/or any individual and/or agency, maintaining, controlling, monitoring, inspecting, and/or
 4 otherwise responsible for allowing a dangerous condition to remain on the premises as alleged,
 5 and/or are alter egos, subsidiaries, DBAs, parents, principals, owners in whole or in part,
 6 predecessors in interest, successors in interest, stock holders, and/or entities otherwise holding,
 7 owning, sharing, possessing, and/or acquiring an interest in any named and/or DOE and ROE
 8 Defendant as alleged herein. Plaintiffs will seek leave to amend the present Complaint when the
 9 true names and capacities of said DOE and ROE Defendants become known.

10 7. At all times mentioned herein, and particularly on or about July 31, 2018,
 11 Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP
 12 CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, and each of them,
 13 owned, operated, maintained, and controlled the FEDEX OFFICE PRINT & SHIP CENTER
 14 located at 6090 West Craig Road, Las Vegas, Nevada, 89130.

15 8. At all times mentioned herein, and particularly on or about July 31, 2018, Defendant
 16 MAGGIE BAILEY, was an employee and acting within the course and scope of her employment
 17 with Defendants FEDEX, Does 1 through XX, Roe Business Entities I though XX and each of
 18 them.

19 9. At all times mentioned herein, and particularly on or about July 31, 2018, Plaintiff
 20 CAROL LAMB and her husband ROBERT LAMB were guests and/or invitees on the FEDEX
 21 OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER premises,
 22 located at 6090 West Craig Road, Las Vegas, Nevada, 89130.

23 10. On or about July 31, 2018, Plaintiff CAROL LAMB was instructed by an employee of
 24 Defendant FEDEX to go around the counter, wherein she tripped over a cart that was on the ground
 25 and obstructed from her view and fell to the ground.

26 11. Plaintiff CAROL LAMB suffered serious injuries as a direct result of the fall.

27 12. The fall was a direct and proximate result of a dangerous condition existing within said
 28 premises, thereby causing the severe injuries and damages alleged herein.

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1 13. At said time and place, an unreasonably dangerous condition was concealed and/or,
 2 existed within said premises, that was and is, owned, operated, maintained, and controlled by
 3 Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP
 4 CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, and each of them,
 5 creating a foreseeable risk of harm to individuals within the said premises and, in particular, to
 6 Plaintiff CAROL LAMB.

7 14. At said time and place, Defendant MAGGIE BAILEY, the store manager of
 8 Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP
 9 CENTER, DOES I through XX, and each of them, ROE BUSINESS ENTITIES I through XX, and
 10 each of them, admitted fault for FEDEX's failure to properly and safely secure a dangerous
 11 condition on its premises, to include the cart being left in an area where a patron, guest or invitee
 12 could trip on it.

13 15. At said time and place, Defendant MAGGIE BAILEY, manager of the FEDEX store
 14 located at 6090 West Craig Road, Las Vegas, Nevada, 89130, stated to Plaintiffs CAROL and
 15 ROBERT LAMB, that "someone was going to get in trouble" for leaving the cart in a in the
 16 pathway where Plaintiff CAROL LAMB fell and suffered serious injuries.

17 16. At all times pertinent hereto, Defendants FEDEX OFFICE AND PRINT
 18 SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, and each
 19 of them, ROE BUSINESS ENTITIES I through XX, and each of them, were acting as principals,
 20 agents, employees, joint-venturers, non-delegable service providers, and/or assigns of each and
 21 every one of the other said Defendants.

22 17. Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE
 23 PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, and
 24 each of them, are vicariously, contractually, legally, jointly and severally, and/or otherwise liable
 25 for the acts and omissions of each other and of each and every other Defendant as alleged herein.

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FIRST CAUSE OF ACTION

(Negligence, Defendants, FEDEX OFFICE AND PRINT SERVICES, INC., doing business as FEDEX OFFICE PRINT & SHIP CENTER, MAGGIE BAILEY, DOES I through XX, and ROE BUSINESS ENTITIES I through XX)

18. Plaintiffs reallege and replead each and every allegation of the preceding paragraphs as
fully set forth hereunder.

19. That on or about July 31, 2018, and at all times relevant hereto, Defendants FEDEX
OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I
through XX and/or ROE BUSINESS ENTITIES I through XX named herein, MAGGIE BAILEY
and each of them, had a duty to own, operate, maintain, monitor, control, inspect, supervise, train
employees, and otherwise care for the aforesaid premises in a safe and reasonable manner, one not
constituting and/or creating a foreseeable risk of harm to others upon said premises, in particular to
Plaintiff CAROL LAMB, and to warn of and/or repair dangerous conditions upon the premises of
which they knew or should have known.

20. That at such time and place, Defendants FEDEX OFFICE AND PRINT SERVICES,
INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS
ENTITIES I through XX, MAGGIE BAILEY and each of them, negligently, carelessly, and in
breach of said duty of care owned, operated, monitored, maintained, controlled, supervised, trained
employees and inspected the aforesaid premises so as to cause and/or allow a concealed object
and/or obstruction to exist within said premises, and/or to cause and/or allow a dangerous condition
to exist upon the floor of the premises, thereby creating a foreseeable dangerous condition about
which they knew or should have known.

21. No warnings were placed or communicated by Defendants FEDEX OFFICE AND
PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX,
ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY, or any of them, giving notice of
said dangerous condition to individuals upon the premises, in particular to Plaintiff CAROL
LAMB.

22. That as a direct and proximate result of the aforesaid negligence and carelessness on
the part of Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE
PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX,

1 MAGGIE BAILEY and each of them, Plaintiff CAROL LAMB tripped and fell upon, and because
2 of said dangerous condition, impacting the floor with great force, thereby causing the serious
3 injuries and damages complained of herein.

4 23. That as a direct and proximate result of the negligence and carelessness on the part
5 of Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT &
6 SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE
7 BAILEY and each of them, Plaintiff CAROL LAMB was injured in her health, strength and
8 activity, sustained injury to her body and shock and injury to her nervous system and person, all of
9 which have caused and will continue to cause Plaintiff CAROL LAMB physical, mental and
0 nervous pain and suffering.

1 24. That as a direct and proximate result of the negligence and carelessness on the part
2 of Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT &
3 SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE
4 BAILEY and each of them, Plaintiff CAROL LAMB has incurred and continues to incur, medical
5 expenses, possible future medical expenses, and loss of enjoyment of life, all to Plaintiff's general
6 damages in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00).

17 25. As result of the aforesaid negligent actions and omissions of Defendants FEDEX
18 OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I
19 through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY and each of them, it
20 has been necessary for the Plaintiffs to retain the law firm of BERTOLDO, BAKER, CARTER, &
21 SMITH, to prosecute this action, and Plaintiffs are therefore entitled to recover reasonable
22 attorney's fees and costs.

SECOND CAUSE OF ACTION

**Negligent Hiring, Training, Supervision, and/or Retention of Defendants FEDEX OFFICE
AND PRINT SERVICES, INC., doing business as FEDEX OFFICE PRINT & SHIP
CENTER, MAGGIE BAILEY, DOES I through XX and ROE BUSINESS ENTITIES I
through XX**

26 26. Plaintiffs reallege and replead each and every allegation of the preceding paragraphs
27 as though fully set forth hereunder.

1 27. At all times pertinent hereto, of Defendants FEDEX OFFICE AND PRINT
 2 SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE
 3 BUSINESS ENTITIES I through XX, MAGGIE BAILEY and each of them, had a duty to
 4 adequately and reasonably hire, train, supervise, and retain their agents, employees, and/or assigns,
 5 DOES I through XX, ROE BUSINESS ENTITIES I through XX, and each of them, so as to ensure
 6 that their agents, employees, and assigns, DOES I through XX, ROE BUSINESS ENTITIES I
 7 through XX, and each of them, acted in a manner that did not create a foreseeable risk of harm to
 8 others, in particular to Plaintiff CAROL LAMB.

9 28. At all times pertinent hereto, particularly on or about July 31, 2018, of Defendants
 10 FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER,
 11 DOES I through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY and each of
 12 them, negligently, carelessly, and in breach of said duty(ies) failed and neglected to adequately and
 13 reasonably hire, train, supervise, and retain their agents, employees, and/or assigns including, but
 14 not limited to, each other and DOES I through XX, ROE BUSINESS ENTITIES I through XX, and
 15 each of them, by, but not limited to the following: 1) failing to hire individuals and/or entities
 16 capable of reasonably and adequately keeping the premises free of dangerous conditions; 2) failing
 17 to train such individuals and/or entities in proper and effective methods of identifying, removing,
 18 and or warning of hazardous conditions in the store where customers such as Plaintiff could
 19 encounter them; 3) failing to create, distribute, implement and train on adequate and reasonable
 20 policies for keeping its floors, aisles, pathways, and walkways free of dangerous conditions; 4)
 21 failing to reasonably and adequately instruct, train, implement and otherwise create, distribute, and
 22 implement policies and procedures regarding warnings of dangerous conditions; 5) failing to adopt,
 23 implement, train and instruct regarding proper and correct measures with respect to investigating,
 24 documenting, and identifying dangerous conditions and/or injuries resulting therefrom; 6) and by
 25 continuing the employment and/or agency otherwise of such individuals and/or entities when said
 26 Defendants, and each of them, knew and/or should have known of their, and each of their, lack of
 27 competence and/or requisite skill.

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1 29. As a direct and proximate result of said negligent hiring, training, supervision, and
 2 retention on the part of Defendants FEDEX OFFICE AND PRINT SERVICES, INC. dba FEDEX
 3 OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS ENTITIES I through
 4 XX, MAGGIE BAILEY and each of them, Plaintiff CAROL LAMB tripped and fell upon a cart
 5 left in a dangerous location, in particular in the pathway of unsuspecting patrons, including Plaintiff
 6 CAROL LAMB, and because of said dangerous condition, impacting the floor with great force,
 7 thereby causing the severe injuries and damages complained of herein.

8 30. As a direct and proximate result of the aforesaid negligent hiring, training,
 9 supervision, and retention on the part of Defendants FEDEX OFFICE AND PRINT SERVICES,
 10 INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS
 11 ENTITIES I through XX, MAGGIE BAILEY and each of them, Plaintiff CAROL LAMB was
 12 injured in her health, strength and activity, sustained injury to her body and shock and injury to her
 13 nervous system and person, all of which caused her physical, mental and nervous pain and
 14 suffering.

15 31. As a direct and proximate result of the aforesaid negligent hiring, training,
 16 supervision, and retention on the part of Defendants FEDEX OFFICE AND PRINT SERVICES,
 17 INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I through XX, ROE BUSINESS
 18 ENTITIES I through XX, MAGGIE BAILEY and each of them, Plaintiff CAROL LAMB incurred
 19 medical expenses, all to general and special damages in an amount in excess of FIFTEEN
 20 THOUSAND DOLLARS (\$15,000.00).

21 32. As result of the aforesaid negligent actions and omissions of Defendants FEDEX
 22 OFFICE AND PRINT SERVICES, INC. dba FEDEX OFFICE PRINT & SHIP CENTER, DOES I
 23 through XX, ROE BUSINESS ENTITIES I through XX, MAGGIE BAILEY and each of them, it
 24 has been necessary for the Plaintiffs to retain the law firm of BERTOLDO, BAKER, CARTER, &
 25 SMITH, to prosecute this action, and Plaintiffs are therefore entitled to recover reasonable
 26 attorney's fees and costs.

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THIRD CAUSE OF ACTION

(Loss Of Consortium – Defendants FEDEX OFFICE AND PRINT SERVICES, INC., doing business as FEDEX OFFICE PRINT & SHIP CENTER, MAGGIE BAILEY, DOES I through XX and ROE BUSINESS ENTITIES I through XX)

33. Plaintiffs reallege and replead each and every allegation of the preceding paragraphs as fully set forth hereunder.

34. At times pertinent hereto, Plaintiffs CAROL LAMB and ROBERT LAMB were, and still are, husband and wife.

35. That as a direct and proximate result of the negligence, carelessness and/or recklessness of Defendants, and each of them, Plaintiff ROBERT LAMB has lost, and will continue to lose, the care, comfort, support, consortium and society of his wife, Plaintiff Carol Lamb.

36. That as a direct and proximate result of the negligence, carelessness and recklessness of Defendants, and each of them, it has been necessary for Plaintiffs to retain the law firm of BERTOLDO, BAKER, CARTER & SMITH to prosecute this action, and Plaintiffs are therefore entitled to recover reasonable attorney's fees and costs.

WHEREFORE, Plaintiffs pray for judgment against the Defendants, and each of them, as follows:

FOR EACH AND EVERY CAUSE OF ACTION

1. For past and future general damages and loss in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00);
2. Special damages in an amount to be determined at time of trial;
3. Reasonable attorney fees, pre and post-judgment interest, and costs of suit; and
4. Such other and further relief as the Court may deem just and proper.

DATED this 29th day of July, 2020.

BERTOLDO BAKER CARTER & SMITH

/s/ Paul R.M. Cullen, Esq.
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